

**REPORT OF THE AUDIT OF THE  
LIVINGSTON COUNTY  
SHERIFF'S SETTLEMENT - 2008 TAXES**

**For The Period  
May 01, 2008 Through April 30, 2009**



**CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS  
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**EXECUTIVE SUMMARY**  
**AUDIT EXAMINATION OF THE**  
**LIVINGSTON COUNTY**  
**SHERIFF'S SETTLEMENT - 2008 TAXES**

**For The Period**  
**May 01, 2008 Through April 30, 2009**

The Auditor of Public Accounts has completed the audit of the Sheriff's Settlement - 2008 Taxes for the Livingston County Sheriff for the period May 01, 2008 through April 30, 2009. We have issued an unqualified opinion on the financial statement taken as a whole. Based upon the audit work performed, the financial statement is presented fairly in all material respects.

**Financial Condition:**

The Sheriff collected taxes of \$4,009,231 for the districts for 2008 taxes, retaining commissions of \$154,019 to operate the Sheriff's office. The Sheriff distributed taxes of \$3,848,596 to the districts for 2008 taxes. Taxes of \$1,823 are due to the districts from the Sheriff and refunds of \$739 are due to the Sheriff from the taxing districts.

**Report Comment:**

- The Sheriff's Office Lacks Adequate Segregation Of Duties

**Deposits:**

The Sheriff's deposits were insured and collateralized by bank securities.



## CONTENTS

PAGE

INDEPENDENT AUDITOR'S REPORT .....	1
SHERIFF'S SETTLEMENT - 2008 TAXES.....	3
NOTES TO FINANCIAL STATEMENT .....	5
REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS .....	9
COMMENT AND RECOMMENDATION .....	13





CRIT LUALLEN  
AUDITOR OF PUBLIC ACCOUNTS

To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Christopher K. Lasher, Livingston County Judge/Executive

Honorable Tommy Williams, Livingston County Sheriff

Members of the Livingston County Fiscal Court

Independent Auditor's Report

We have audited the Livingston County Sheriff's Settlement - 2008 Taxes for the period May 01, 2008 through April 30, 2009. This tax settlement is the responsibility of the Livingston County Sheriff. Our responsibility is to express an opinion on this financial statement based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for Sheriff's Tax Settlements issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statement is free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statement. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff's office prepares the financial statement in accordance with the modified cash basis, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statement referred to above presents fairly, in all material respects, the Livingston County Sheriff's taxes charged, credited, and paid for the period May 01, 2008 through April 30, 2009, in conformity with the modified cash basis of accounting.

In accordance with Government Auditing Standards, we have also issued our report dated February 24, 2010 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



To the People of Kentucky

Honorable Steven L. Beshear, Governor

Jonathan Miller, Secretary

Finance and Administration Cabinet

Honorable Christopher K. Lasher, Livingston County Judge/Executive

Honorable Tommy Williams, Livingston County Sheriff

Members of the Livingston County Fiscal Court

Based on the results of our audit, we present the accompanying comment and recommendation, included herein, which discusses the following report comment:

- The Sheriff's Office Lacks Adequate Segregation Of Duties

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a stylized flourish at the end.

Crit Luallen

Auditor of Public Accounts

February 24, 2010



LIVINGSTON COUNTY  
TOMMY WILLIAMS, SHERIFF  
SHERIFF'S SETTLEMENT - 2008 TAXES

For The Period May 01, 2008 Through April 30, 2009

<u>Charges</u>	<u>County Taxes</u>	<u>Special Taxing Districts</u>	<u>School Taxes</u>	<u>State Taxes</u>
Real Estate	\$ 461,883	\$ 619,616	\$ 1,412,819	\$ 473,527
Tangible Personal Property	122,011	162,601	264,831	361,611
Fire Protection	1,796			
Increases Through Exonerations	132	163	405	136
Franchise Taxes	42,382	37,299	98,971	
Additional Billings	437	606	1,344	452
Omitted Limestone, Sand, and Gravel	7	5	21	7
Limestone, Sand and Mineral Reserves	9,211	6,301	28,176	9,444
Penalties	3,663	5,149	11,052	3,727
Adjusted to Sheriff's Receipt	4	6	(3)	
Gross Chargeable to Sheriff	641,526	831,746	1,817,616	848,904
<u>Credits</u>				
Exonerations	2,533	3,273	7,717	2,651
Discounts	9,112	12,050	25,691	13,651
Delinquents:				
Real Estate	7,037	9,953	21,511	7,210
Tangible Personal Property	144	148	313	365
Limestone, Sand, and Mineral Reserves	1,249	854	3,819	1,280
Total Credits	20,075	26,278	59,051	25,157
Taxes Collected	621,451	805,468	1,758,565	823,747
Less: Commissions *	26,699	21,680	70,343	35,297
Taxes Due	594,752	783,788	1,688,222	788,450
Taxes Paid	594,178	781,073	1,685,554	787,791
Refunds (Current and Prior Year)	853	1,083	2,627	969
Due Districts or (Refunds Due Sheriff) as of Completion of Audit	\$ (279)	\$ 1,632	\$ 41	\$ (310)

\* And \*\* See Next Page.

The accompanying notes are an integral part of this financial statement.

LIVINGSTON COUNTY  
TOMMY WILLIAMS, SHERIFF  
SHERIFF'S SETTLEMENT - 2008 TAXES  
For The Period May 01, 2008 Through April 30, 2009  
(Continued)

\* Commissions:

10% on	\$	10,000
4.25% on	\$	1,854,438
4% on	\$	1,758,564
1% on	\$	386,230

\*\* Special Taxing Districts:

Extension District	\$	19
Soil Conservation District		1
Grand Lakes Fire District		(150)
Salem Fire District		1,539
Ledbetter Fire District		223
		<hr/>

Due Districts or (Refund Due Sheriff)	\$	<u><u>1,632</u></u>
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LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT

April 30, 2009

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

The Sheriff's office tax collection duties are limited to acting as an agent for assessed property owners and taxing districts. A fund is used to account for the collection and distribution of taxes. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

B. Basis of Accounting

The financial statement has been prepared on a modified cash basis of accounting. Basis of accounting refers to when charges, credits, and taxes paid are reported in the settlement statement. It relates to the timing of measurements regardless of the measurement focus.

Charges are sources of revenue which are recognized in the tax period in which they become available and measurable. Credits are reductions of revenue which are recognized when there is proper authorization. Taxes paid are uses of revenue which are recognized when distributions are made to the taxing districts and others.

C. Cash and Investments

At the direction of the fiscal court, KRS 66.480 authorizes the Sheriff's office to invest in the following, including but not limited to, obligations of the United States and of its agencies and instrumentalities, obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States, obligations of any corporation of the United States government, bonds or certificates of indebtedness of this state, and certificates of deposit issued by or other interest-bearing accounts of any bank or savings and loan institution which are insured by the Federal Deposit Insurance Corporation (FDIC) or which are collateralized, to the extent uninsured, by any obligation permitted by KRS 41.240(4).

Note 2. Deposits

The Livingston County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution.

LIVINGSTON COUNTY  
NOTES TO FINANCIAL STATEMENT  
April 30, 2009  
(Continued)

Note 2. Deposits (Continued)

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Livingston County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of April 30, 2009, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

Note 3. Tax Collection Period

The real and personal property tax assessments were levied as of January 1, 2008. Property taxes were billed to finance governmental services for the year ended June 30, 2009. Liens are effective when the tax bills become delinquent. The collection period for these assessments was September 23, 2008 through April 30, 2009.

Note 4. Interest Income

The Livingston County Sheriff earned \$663 as interest income on 2008 taxes. As of February 24, 2010, the Sheriff has not distributed interest earned on 2008 tax collections. As a result, the Sheriff owed \$279 in interest to the school district and \$384 in interest to his fee account.

Note 5. Sheriff's 10% Add-On Fee

The Livingston County Sheriff collected \$21,052 of 10% add-on fees allowed by KRS 134.430(3). This amount was used to operate the Sheriff's office. As of February 24, 2010, the Sheriff had distributed all 10% add-on fees to his fee account.

Note 6. Advertising Fees

The Livingston County Sheriff collected \$2,395 advertising fees allowed by KRS 134.440(2). The advertising fees were used to operate the Sheriff's office. As of February 24, 2010, the Sheriff had distributed all advertising fees to his fee account.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND ON  
COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL  
STATEMENT PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS





**CRIT LUALLEN**  
**AUDITOR OF PUBLIC ACCOUNTS**

The Honorable Christopher K. Lasher, Livingston County Judge/Executive  
Honorable Tommy Williams, Livingston County Sheriff  
Members of the Livingston County Fiscal Court

**Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards**

We have audited the Livingston County Sheriff's Settlement - 2008 Taxes for the period May 01, 2008 through April 30, 2009, and have issued our report thereon dated February 24, 2010. The Sheriff prepares his financial statement in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

**Internal Control Over Financial Reporting**

In planning and performing our audit, we considered the Livingston County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statement, but not for the purpose of expressing an opinion on the effectiveness of the Livingston County Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Livingston County Sheriff's internal control over financial reporting.

Our consideration of internal control over financial reporting was for the limited purpose described in the preceding paragraph and would not necessarily identify all deficiencies in internal control over financial reporting that might be significant deficiencies or material weaknesses. However as discussed below, we identified a certain deficiency in internal control over financial reporting that we consider to be a significant deficiency.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the modified cash basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statement that is more than inconsequential will not be prevented or detected by the entity's internal control over financial reporting. We consider the deficiency described in the accompanying comment and recommendation to be a significant deficiency in internal control over financial reporting.

- The Sheriff's Office Lacks Adequate Segregation Of Duties



Report On Internal Control Over Financial Reporting And On  
Compliance And Other Matters Based On An Audit Of The Financial  
Statement Performed In Accordance With Government Auditing Standards  
(Continued)

Internal Control Over Financial Reporting (Continued)

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statement will not be prevented or detected by the entity's internal control. Our consideration of the internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in the internal control that might be significant deficiencies and, accordingly, would not necessarily disclose all significant deficiencies that are also considered to be material weaknesses. However, we consider the significant deficiency described above to be a material weakness.

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Livingston County Sheriff's Settlement - 2008 Taxes for the period May 01, 2008 through April 30, 2009, is free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Livingston County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', written in a cursive style.

Crit Luallen  
Auditor of Public Accounts

February 24, 2010



COMMENT AND RECOMMENDATION



LIVINGSTON COUNTY  
TOMMY WILLIAMS, SHERIFF  
COMMENT AND RECOMMENDATION

For The Period May 01, 2008 Through April 30, 2009

INTERNAL CONTROL - SIGNIFICANT DEFICIENCY AND MATERIAL WEAKNESS:

The Sheriff's Office Lacks Adequate Segregation Of Duties

The Sheriff's office has a lack of adequate segregation of duties. Due to a limited staff size, the bookkeeper is required to perform multiple tasks such as the collection of tax payments from customers, daily checkout procedures, deposit preparation, monthly reports, the preparation of checks for tax distributions, and monthly bank reconciliations.

Segregation of duties over these functions, or the implementation of compensating controls when needed because the number of staff is limited, is essential for providing protection from asset misappropriation and helping prevent inaccurate financial reporting. Additionally, proper segregation of duties protects employees in the normal course of performing their daily responsibilities.

Given the fact that the Sheriff has a limited staff and proper segregation is not achievable without the hiring of additional employees, we recommend the Sheriff implement compensating controls to reduce the risk of misappropriation of assets associated with the lack of segregation of duties. Compensating controls such as strong oversight by the Sheriff or a designee can be an effective alternative when duties cannot be segregated. This oversight should include comparing the daily deposit to the daily collection report, comparison of tax distribution payments to the monthly reports, and review of the monthly bank reconciliations. Documentation, such as the Sheriff or designee's initials or signature, should be provided on those items that have been reviewed.

*Sheriff's Response: None.*

